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6 Attorneys for Defendant
EXXONMOBIL OIL CORPORATION
7 (erroneously sued as "EXXONMOBIL")

FILED
2008 MAR 27 PH 12:02
CLERK, U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA
BY KWV/H DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

NAVEADA COPELAND,

Plaintiffs,

v.

EXXONMOBIL; MOBIL SELF SERVE AND
DOES 1 TO 20, INCLUSIVE,

Defendants.

Case No. 08 CV 0574 BEN NLS

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(a)
(DIVERSITY)**

Complaint Filed: October 31, 2007

Date:

Time:

Dept.:

Judge: Hon.

Trial Date: Not Set

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441(a), Defendant EXXONMOBIL OIL CORPORATION (“ExxonMobil”), erroneously sued as “EXXONMOBIL”, hereby removes this action from the Superior Court of the State of California, County of San Diego, East Division to the United States District Court for the Southern District of California, and sets forth in support of its Notice of Removal of Action the following:

1. On October 31, 2007, Plaintiff Naveada Copeland (“Plaintiff”) commenced this action in the Superior Court of the State of California, County of San Diego, East Division entitled, *Naveada Copeland v. Exxonmobil, et al.*, Case No. 37-2007-00062090CU-PO-EC, by the filing of a Complaint. A true and correct copy of the Complaint is attached hereto as Exhibit “A.”

1 2. The Complaint alleges the following two causes of action against Defendants: (1)
2 general negligence and (2) premises liability.

3 3. ExxonMobil was served with the Summons and Complaint on January 7, 2008.

4 4. This is a civil action over which this Court has original jurisdiction under the
5 provisions of 28 U.S.C. § 1332, and may be removed to this Court by ExxonMobil pursuant to the
6 provisions of 28 U.S.C. § 1441(a) because it is a civil action between citizens of different states and
7 the matter in controversy herein exceeds the sum or value of Seventy-Five Thousand Dollars
8 (\$75,000.00), exclusive of interest and costs.

9 5. Plaintiff Naveada Copeland was, at the commencement of this action in state court,
10 and still is, a citizen of the United States and domiciled in the State of California. On March 11,
11 2008, Plaintiff responded to ExxonMobil's Form Interrogatories, Set One. Form Interrogatory No.
12 2.3 asks, "At the time of the INCIDENT, did you have a driver's license? If so state: (a) the state or
13 other issuing entity; ... (c) the date of issuance; ..." Plaintiff's response follows: "Yes; (a)
14 California; ... (b) License issued 7/10/2003; ..." Form Interrogatory No. 2.5 asks Plaintiff to state:
15 "(a) your present residence ADDRESS; (b) your residence ADDRESSES for the past five years; and
16 (c) the dates you lived at each ADDRESS." Plaintiff's response follows: "(a) 5068 Palin St. San
17 Diego, Ca 92113 (b-c) 5068 Palin St. San Diego, Ca 92113 [12/2004 - present] 4368 Keeler Ave.
18 San Diego, Ca 92113 [2000 - 2004]". Plaintiff's residence is *prima facie* evidence that she is
19 domiciled in the State of California for purposes of diversity jurisdiction. (State Farm v. Dyer (10th
20 Cir.1994) 19 F.3d 514, 519.) A true and correct copy of the relevant portions of ExxonMobil's
21 Form Interrogatories, Set One, propounded to Plaintiff are attached hereto as Exhibit "B" (see Form
22 Interrogatory Nos. 2.3 and 2.5). A true and correct copy of the relevant portions of Plaintiff's
23 Responses to Form Interrogatories (Set Number One) are attached hereto as Exhibit "C" (see Form
24 Interrogatory Nos. 2.3 and 2.5). Plaintiff's Responses to Form Interrogatories (Set Number One)
25 were served on March 11, 2008, and received by counsel for ExxonMobil on March 14, 2008.
26 Additionally, Plaintiff is not a citizen of the State of New York or the State of Texas.

27 6. ExxonMobil was, at the time this action was filed in state court and still is, a
28 corporation duly organized and existing under the laws of the State of New York with its principal
Case No. -2-

1 place of business in the State of Texas, and was not and is not a citizen of the State of California.

2 7. Mobil Self Serve, a second Defendant identified in the Complaint, is the name of the
3 gas station where the incident that is the subject of this lawsuit occurred. ExxonMobil is the owner
4 and possessor of this gas station and is the proper Defendant in this case. Thus, no separate joinder
5 from Mobil Self Serve is required or need be provided.

6 8. The Complaint also names Defendants Does 1 to 20. Pursuant to 28 U.S.C. §
7 1441(a), the citizenship of these Defendants is disregarded.

8 9. While the face of the Complaint did not definitively disclose the existence of federal
9 subject matter jurisdiction with respect to the amount in controversy, on March 5, 2008, Plaintiff
10 responded to ExxonMobil's Request for Statement of Damages. With respect to special damages,
11 Plaintiff identified \$14,190.65 in past medical expenses and damages for future medical expenses,
12 past lost earnings and future loss of earnings in unknown amounts. She also identified \$500,000 in
13 general damages for past and future pain, suffering and emotional distress. Thus, the amount in
14 controversy in this action exceeds \$75,000, exclusive of interests and costs. A true and correct copy
15 of the Plaintiff's Statement of Damages is attached hereto as Exhibit "D."

16 10. Plaintiff alleges to have suffered personal injuries as a result of her slipping on wet
17 paint at the subject gas station while she was eight months pregnant. (Exh. "A") Plaintiff claims
18 lost wages, past medical expenses, general damages in excess of \$500,000, and other damages, to
19 include permanent disability, emotional distress and diminished quality of life. (Exhs. A and D)

20 11. Because the face of the Complaint did not reveal a basis for removal in that it fails to
21 identify the citizenship of any of the parties and fails to assert the amount in controversy,
22 ExxonMobil could not remove the case until it learned of these facts through discovery.
23 ExxonMobil first learned of the amount in controversy when Plaintiff served her responses to
24 ExxonMobil's Request for Statement of Damages on or about March 5, 2008. (Exh. "D")
25 ExxonMobil first learned of Plaintiff's citizenship when Plaintiff served her Responses to Form
26 Interrogatories (Set Number One) on March 11, 2008. (Exh. "C") With this last piece of evidence,
27 the case became removable on March 11, 2008.

28

12. This Notice of Removal is being filed within thirty (30) days after the case becoming removable as noted above and, therefore, is timely filed under 28 U.S.C. § 1446(b). (Harris v. Bankers Life and Cas. Co., 425 F.3d 689, 692 (2005).)

13. This Notice of Removal is being filed within one (1) year of the commencement of this action and therefore is timely filed under 28 U.S.C. § 1446(b).

14. Removal to this Court is proper as the Superior Court of the State of California, County of San Diego, East Division, where this action was originally filed, is located within this district.

15. True and correct copies of all other pleadings and orders on file in the state court are attached hereto at Exhibit "E." To the best of ExxonMobil's knowledge, the exhibits attached to this Notice of Removal of Action constitute all of the process, pleadings and orders served upon ExxonMobil at the time of this removal.

16. Counsel for ExxonMobil certifies that it will file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of California, County of San Diego, and give notice of same to counsel for Plaintiff.

Dated: March 27, 2008

WILSON PETTY KOSMO & TURNER LLP

By:

VICKIE E. TURNER
SOTERA L. ANDERSON

Attorneys for Defendant
EXXONMOBIL OIL CORPORATION
(erroneously sued as "EXXONMOBIL")

PLD-PI-001

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

A. JASON KERCKHOFF, ESQ.

KERCKHOFF LAW, APC

2533 S. COAST HIGHWAY 101

SUITE 250

CARDIFF, CA 92007

TELEPHONE NO: (760) 635-7600

FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR PLAINTIFF: NAVEADA COPELAND

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 250 EAST MAIN STREET

MAILING ADDRESS:

CITY AND ZIP CODE: EL CAJON, CA 92020-3913

BRANCH NAME: EAST COUNTY DIVISION

PLAINTIFF: NAVEADA COPELAND

07 OCT 31 PM 3:51

CLERK'S OFFICE
SAN DIEGO COUNTY, CA

DEFENDANT: EXXONMOBIL; MOBIL SELF SERVE; and

 DOES 1 TO 20, inclusive

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

 AMENDED (Number):

Type (check all that apply):

 MOTOR VEHICLE OTHER (specify): PREMISES LIABILITY Property Damage Wrongful Death Personal Injury Other Damages (specify): GENERAL NEGLIGENCE

Jurisdiction (check all that apply):

 ACTION IS A LIMITED CIVIL CASE

CASE NUMBER:

Amount demanded does not exceed \$10,000 exceeds \$10,000, but does not exceed \$25,000 ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)

37-2007-00062080-CU-PD-BZ

ACTION IS RECLASSIFIED by this amended complaint

 from limited to unlimited from unlimited to limited

1. Plaintiff (name or names): Naveada Copeland

alleges causes of action against defendant (name or names): ExxonMobil; Mobil Self Serve;

and DOES 1 through 20, inclusive

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. except plaintiff (name):(1) a corporation qualified to do business in California(2) an unincorporated entity (describe):(3) a public entity (describe):(4) a minor an adult(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) other (specify):(5) other (specify):b. except plaintiff (name):(1) a corporation qualified to do business in California(2) an unincorporated entity (describe):(3) a public entity (describe):(4) a minor an adult(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) other (specify):(5) other (specify): Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: Copeland v. ExxonMobil, et al.

CASE NUMBER:

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4. Plaintiff (name):
 is doing business under the fictitious name (specify):
 and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person
 a. except defendant (name): ExxonMobil

- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):

- c. except defendant (name):

- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):

- b. except defendant (name): Mobil Self Serve

- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):

- d. except defendant (name):

- (1) a business organization, form unknown
 (2) a corporation
 (3) an unincorporated entity (describe):
 (4) a public entity (describe):
 (5) other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 6.

6. The true names of defendants sued as Does are unknown to plaintiff.

- a. Doe defendants (specify Doe numbers): Does 1 - 10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

- b. Doe defendants (specify Doe numbers): Does 11 - 20 are persons whose capacities are unknown to plaintiff.

7. Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. at least one defendant now resides in its jurisdictional area.
 b. the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.
 c. Injury to person or damage to personal property occurred in its jurisdictional area.
 d. other (specify):

9. Plaintiff is required to comply with a claims statute, and
 a. has complied with applicable claims statutes, or
 b. Is excused from complying because (specify):

SHORT TITLE: Copeland v. ExxonMobil, et al.	CASE NUMBER:
---	--------------

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. Motor Vehicle
- b. General Negligence
- c. Intentional Tort
- d. Products Liability
- e. Premises Liability
- f. Other (specify):

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11. Plaintiff has suffered

- a. wage loss
- b. loss of use of property
- c. hospital and medical expenses
- d. general damage
- e. property damage
- f. loss of earning capacity
- g. other damage (specify): Permanent disability, emotional distress and diminished quality of life.

11.5 Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named defendants is responsible in some manner for the occurrences herein alleged, and that plaintiff's damages as herein alleged were legally caused by those defendants.

12. The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. listed in Attachment 12.
- b. as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) compensatory damages
- (2) punitive damages

The amount of damages is (In cases for personal injury or wrongful death, you must check (1)):

- (1) according to proof
- (2) in the amount of: \$

15. The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: October 25, 2007

A. JASON KERCKHOFF, ESO.
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

PLD-PH001(2)

SHORT TITLE: Copeland v. ExxonMobil, et al.

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—General Negligence

Page 4

ATTACHMENT TO Complaint Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Naveada Copeland; and

alleges that defendant (name): ExxonMobil; Mobil Self Serve; and

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Does 1 to 20, inclusive

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): November 4, 2005

at (place): The Mobil Self Serve located at 9750 N. Magnolia Avenue, Santee,
CA 92071

(description of reasons for liability):

Defendants ExxonMobil, Mobil Self Serve, and/or their agents negligently owned, controlled, managed, and maintained their premises so as to allow for the existence of a dangerous condition thereon in the form of wet gray paint on the gas pump island.

This condition created an unreasonable risk of harm to patrons of the Mobil Self Serve, in that there were no warning signs or anything to warn patrons of the existence of the danger created by the wet gray paint being on the island.

Based upon the nature of the condition and its location, it seems clear that the condition had existed for a minimum of several hours. As such, defendants ExxonMobil, Mobil Self Serve, and/or their agents had both actual and constructive knowledge of the existence of the dangerous condition on their premises.

As a direct and proximate result of the existence of said dangerous condition, plaintiff stepped on the wet gray paint and slid sideways and outward along the edge of the island until she could go no further, which thereby caused serious personal injury to plaintiff.

As a proximate result of this negligence, plaintiff has been injured and/or damaged in an amount to be determined at trial.

PLD FORMS

SHORT TITLE: Copeland v. ExxonMobil, et al.

CASE NUMBER:

SECOND
(number)

CAUSE OF ACTION—Premises Liability

Page 1

ATTACHMENT TO Complaint Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Naveada Copeland

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.
On (date): November 4, 2005 plaintiff was injured on the following premises in the followingfashion (description of premises and circumstances of injury):
Plaintiff hereby fully incorporates by reference all allegations contained in the First Cause Of Action for General Negligence, as if those were fully set forth herein.

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Prem.L-2. Count One—Negligence The defendants who negligently owned, maintained, managed and operated the described premises were (names): ExxonMobil; Mobil Self Serve; and Does 1 to 20Prem.L-3. Count Two—Willful Failure to Warn [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): ExxonMobil; Mobil Self Serve; and Does 1 to 20
Plaintiff, a recreational user, was an invited guest a paying guest.Prem.L-4. Count Three—Dangerous Condition of Public Property The defendants who owned public property on which a dangerous condition existed were (names):

- Does _____ to _____
- The defendant public entity had actual constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
 - The condition was created by employees of the defendant public entity.

Prem.L-5. a. Allegations about Other Defendants The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): ExxonMobil; Mobil Self Serve; and

- Does 1 to 20
- The defendants who are liable to plaintiff for other reasons and the reasons for their liability are described in attachment Prem.L-5.b as follows (names):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address):

WILSON PETTY KOSMO & TURNER LLP
 VICKIE E. TURNER/SOTERA L. ANDERSON (106431/211025)
 550 WEST C STREET, SUITE 1050

SAN DIEGO, CA 92101
 TELEPHONE NO.: 619-236-9600
 FAX NO. (Optional): 619-236-9669
 E-MAIL ADDRESS (Optional): vturner@wpkt.com/sanderson@wpkt.com
 ATTORNEY FOR (Name): DEFENDANT EXXON MOBIL OIL CORPORATION

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
 SUPERIOR COURT OF CALIFORNIA
 EAST COUNTY

SHORT TITLE OF CASE: COPELAND V. EXXONMOBIL, ET AL.

FORM INTERROGATORIES—GENERAL

Asking Party: DEFENDANT EXXON MOBIL OIL CORPORATION

CASE NUMBER:

37-2007-00062090CU-PO-EC

Answering Party: PLAINTIFF NAVEADA COPELAND
 Set No.: ONE

Sec. 1. Instructions to All Parties

(a) Interrogatories are written questions prepared by a party to an action that are sent to any other party in the action to be answered under oath. The interrogatories below are form interrogatories approved for use in civil cases.

(b) For time limitations, requirements for service on other parties, and other details, see Code of Civil Procedure sections 2030.010–2030.410 and the cases construing those sections.

(c) These form interrogatories do not change existing law relating to interrogatories nor do they affect an answering party's right to assert any privilege or make any objection.

Sec. 2. Instructions to the Asking Party

(a) These interrogatories are designed for optional use by parties in unlimited civil cases where the amount demanded exceeds \$25,000. Separate interrogatories, Form *Interrogatories—Limited Civil Cases (Economic Litigation)* (form DISC-004), which have no subparts, are designed for use in limited civil cases where the amount demanded is \$25,000 or less; however, those interrogatories may also be used in unlimited civil cases.

(b) Check the box next to each interrogatory that you want the answering party to answer. Use care in choosing those interrogatories that are applicable to the case.

(c) You may insert your own definition of **INCIDENT** in Section 4, but only where the action arises from a course of conduct or a series of events occurring over a period of time.

(d) The interrogatories in section 16.0, Defendant's Contentions—Personal Injury, should not be used until the defendant has had a reasonable opportunity to conduct an investigation or discovery of plaintiff's injuries and damages.

(e) Additional interrogatories may be attached.

(c) Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible.

(d) If you do not have enough personal knowledge to fully answer an interrogatory, say so, but make a reasonable and good faith effort to get the information by asking other persons or organizations, unless the information is equally available to the asking party.

(e) Whenever an interrogatory may be answered by referring to a document, the document may be attached as an exhibit to the response and referred to in the response. If the document has more than one page, refer to the page and section where the answer to the interrogatory can be found.

(f) Whenever an address and telephone number for the same person are requested in more than one interrogatory, you are required to furnish them in answering only the first interrogatory asking for that information.

(g) If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response.

(h) Your answers to these interrogatories must be verified, dated, and signed. You may wish to use the following form at the end of your answers:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE)

(SIGNATURE)

Sec. 4. Definitions

Words in **BOLDFACE CAPITALS** in these interrogatories are defined as follows:

(a) (Check one of the following):

- (1) **INCIDENT** includes the circumstances and events surrounding the alleged accident, injury, or other occurrence or breach of contract giving rise to this action or proceeding.

Page 1 of 8

(2) **INCIDENT** means (insert your definition here or on a separate, attached sheet labeled "Sec. 4(a)(2)").

(b) **YOU OR ANYONE ACTING ON YOUR BEHALF** includes you, your agents, your employees, your insurance companies, their agents, their employees, your attorneys, your accountants, your investigators, and anyone else acting on your behalf.

(c) **PERSON** includes a natural person, firm, association, organization, partnership, business, trust, limited liability company, corporation, or public entity.

(d) **DOCUMENT** means a writing, as defined in Evidence Code section 250, and includes the original or a copy of handwriting, typewriting, printing, photostats, photographs, electronically stored information, and every other means of recording upon any tangible thing and form of communicating or representation, including letters, words, pictures, sounds, or symbols, or combinations of them.

(e) **HEALTH CARE PROVIDER** includes any **PERSON** referred to in Code of Civil Procedure section 667.7(e)(3).

(f) **ADDRESS** means the street address, including the city, state, and zip code.

Sec. 5. Interrogatories

The following interrogatories have been approved by the Judicial Council under Code of Civil Procedure section 2033.710:

CONTENTS

- 1.0 Identity of Persons Answering These Interrogatories
- 2.0 General Background Information—Individual
- 3.0 General Background Information—Business Entity
- 4.0 Insurance
- 5.0 [Reserved]
- 6.0 Physical, Mental, or Emotional Injuries
- 7.0 Property Damage
- 8.0 Loss of Income or Earning Capacity
- 9.0 Other Damages
- 10.0 Medical History
- 11.0 Other Claims and Previous Claims
- 12.0 Investigation — General
- 13.0 Investigation — Surveillance
- 14.0 Statutory or Regulatory Violations
- 15.0 Denials and Special or Affirmative Defenses
- 16.0 Defendant's Contentions Personal Injury
- 17.0 Responses to Request for Admissions
- 18.0 [Reserved]
- 19.0 [Reserved]
- 20.0 How the Incident Occurred—Motor Vehicle
- 25.0 [Reserved]
- 30.0 [Reserved]
- 40.0 [Reserved]
- 50.0 Contract
- 60.0 [Reserved]
- 70.0 Unlawful Detainer [See separate form DISC-003]
- 101.0 Economic Litigation [See separate form DISC-004]
- 200.0 Employment Law [See separate form DISC-002]
- Family Law [See separate form FL-145]

1.0 Identity of Persons Answering These Interrogatories

1.1 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON** who prepared or assisted in the preparation of the responses to these interrogatories. (Do not identify anyone who simply typed or reproduced the responses.)

2.0 General Background Information—individual

2.1 State:

- (a) your name;
- (b) every name you have used in the past; and
- (c) the dates you used each name.

2.2 State the date and place of your birth.

2.3 At the time of the **INCIDENT**, did you have a driver's license? If so, state:

- (a) the state or other issuing entity;
- (b) the license number and type;
- (c) the date of issuance; and
- (d) all restrictions.

2.4 At the time of the **INCIDENT**, did you have any other permit or license for the operation of a motor vehicle? If so, state:

- (a) the state or other issuing entity;
- (b) the license number and type;
- (c) the date of issuance; and
- (d) all restrictions.

2.5 State:

- (a) your present residence **ADDRESS**;
- (b) your residence **ADDRESSES** for the past five years; and
- (c) the dates you lived at each **ADDRESS**.

2.6 State:

- (a) the name, **ADDRESS**, and telephone number of your present employer or place of self-employment; and
- (b) the name, **ADDRESS**, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the **INCIDENT** until today.

2.7 State:

- (a) the name and **ADDRESS** of each school or other academic or vocational institution you have attended, beginning with high school;
- (b) the dates you attended;
- (c) the highest grade level you have completed; and
- (d) the degrees received.

2.8 Have you ever been convicted of a felony? If so, for each conviction state:

- (a) the city and state where you were convicted;
- (b) the date of conviction;
- (c) the offense; and
- (d) the court and case number.

2.9 Can you speak English with ease? If not, what language and dialect do you normally use?

2.10 Can you read and write English with ease? If not, what language and dialect do you normally use?

1 A. JASON KERCKHOFF, ESQ. (107513)
2 KERCKHOFF LAW, APC
2533 South Coast Highway 101, Suite 250
Cardiff-By-The-Sea, CA 92007
3 (760) 635-7600
4 (760) 635-7602 **FAX**
5 Attorneys for Plaintiff,
NAVEADA COPELAND
6
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF IMPERIAL**

10 NAVEADA COPELAND,) **CASE NO. ECU03815**
11)
12 Plaintiff,) **PLAINTIFF'S RESPONSES TO**
13) **FORM INTERROGATORIES**
14 VS.) **(SET NUMBER ONE)**
15)
16 EXXON MOBIL; MOBIL SELF SERVE;) **IC Judge:** Eddie C. Sturgeon
17 and DOES 1 to 20, inclusive,) **Dept:** E-14
18 Defendants.) **Phone Number:** (619) 441-4880
19) **Complaint Filed:** 10/31/07
20
21 PROPOUNDING PARTY: Defendant, EXXON MOBIL OIL CORPORATION
22
23 RESPONDING PARTY: Plaintiff, NAVEADA COPELAND
24
25 SET NUMBER: ONE
26
27 Plaintiff hereby responds to Defendant's Form Interrogatories, Set
28 No. One, as follows:
29

30 **PRELIMINARY STATEMENT**

31 1. These responses are made pursuant to California Code of
32 Civil Procedure Section 2030.210 and are based upon information and
33

1 However, without waiving, and specifically incorporating, the
2 objections stated above, responding party responds as follows:

3 **RESPONSES**

4 1.1 My attorney, A. Jason Kerckhoff.

5 2.1 (a) Naveada Nicole Copeland;

6 (b) Naveada Perron (Married name in 1992) Nickie (nickname);

7 (c) Married name 1992 – approximately 1994, I have used my
8 nickname all my life.

9 10 2.2 July 6, 1969 in Columbus, Ohio.

11 12 2.3 Yes;

13 (a) California;

14 (b) License #B4284258;

15 (b) License issued 7/10/2003;

16 (d) None.

17 18 2.4 No.

19 20 2.5 (a) 5068 Palin St. San Diego, Ca 92113

21 (b-c) 5068 Palin St. San Diego, Ca 92113 [12/2004 – present]

22 4368 Keeler Ave. San Diego, Ca 92113 [2000 – 2004]

23 24 2.6 (a) IHHS County of San Diego
7080 Bay Blvd Ste 200
Chula Vista, Ca 91910
(619) 476-6200

25 26 (b) IHSS County of San Diego:

27 28 Occupation: CNA – Certified Nursing Assistant;

1 (b) The shoes that I was wearing when the subject incident
2 occurred, showing the grey paint that I slipped on.

3 (c) May 4, 2007 and the middle of November 2005;

4 (d) My attorney and I both took the photos;

5 (e) My attorney, A. Jason Kerckhoff, Esq., and myself.

6
7 12.5 No.

8 12.6 No, however I waited at the premises of the subject incident for
9 thirty minutes after the incident occurred. I spoke with the clerk and
10 supervisor of the gas station (see response to 12.1). I also talked to
11 the supervising painter that was on the subject premises.
12

13 12.7 (a-b) Yes, my attorney, A. Jason Kerckhoff, inspected the scene of
14 the subject incident in November of 2005.
15

16 13.1 No.
17

18 13.2 Not applicable.
19

20 14.1 There was no sign to warn that the paint was wet.
21

22 14.2 No.
23

24 Dated: March 11, 2008
25

KERCKHOFF LAW, APC

26 By: _____
27

28 A. Jason Kerckhoff, Esq.
Attorneys for Plaintiff,
NAVEADA COPELAND

1 Copeland v. Exxon Mobil Oil Corporation, et al.

2 Case No. 37-2007-00062090CU-PO-EC

3

4

VERIFICATION

5

6

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

7

8

I, NAVEADA COPELAND, declare:

I am the Plaintiff named in the above-referenced action. I have
read the foregoing -- **PLAINTIFF'S RESPONSES TO FORM
INTERROGATORIES (SET NUMBER ONE)** -- and know the contents
thereof. The same is true of my own personal knowledge, except as to
those matters which are stated therein on information and belief, and as
to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

Executed this 11th day of March, 2008, at San Diego,
California.


NAVEADA COPELAND

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Copeland v. ExxonMobil Oil Corporation, et al.
SDSC Case No. ECU03815

**PROOF OF SERVICE
(CCP §§ 1013(a) and 2015.5)**

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

I, the undersigned, am employed in the County of San Diego, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 2533 South Coast Highway 101, Suite 250, Cardiff-By-The-Sea, CA 92007.

On March 11, 2008, I served the within document(s) entitled:

**PLAINTIFF'S RESPONSES TO FORM INTERROGATORIES
(SET NUMBER ONE)**

on all interested parties in this action, whose names and addresses are listed on the attached service list, in the following manner:

- [X] **MAIL** - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Cardiff, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

[] **PERSONAL SERVICE** - Such envelope(s) were delivered by hand to the office(s) of the addressee(s).

[] **FACSIMILE** - Such document(s) were telefaxed to the office(s) of the addressee(s).

[X] **STATE** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 11, 2008 at Cardiff, California.

ALICE A. HILL, ACP

Copeland v. ExxonMobil Oil Corporation, et al.
SDSC Case No. ECU03815

1

2

3

SERVICE LIST

4 **Vickie E. Turner, Esq.**

5 **Sotera L. Anderson, Esq.**

6 Wilson, Petty, Kosmo & Turner, LLP

7 550 West C Street, Suite 1050

8 San Diego, CA 92101

9 (619) 236-9600

10 (619) 236-9669 **FAX**

11 **Attorney for Defendants,**
12 **EXXON MOBIL OIL CORP. &**
13 **MOBIL SELF SERVE**

14

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1 A. JASON KERCKHOFF, ESQ. (107513)
2 KERCKHOFF LAW, APC
3 2533 South Coast Highway 101, Suite 250
4 Cardiff-By-The-Sea, CA 92007
(760) 635-7600
(760) 635-7602 **FAX**

5 Attorneys for Plaintiff,
6 NAVEADA COPELAND

7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9

10 **FOR THE COUNTY OF IMPERIAL**

11 NAVEADA COPELAND,) **CASE NO. ECU03815**
12)
13 Plaintiff,) **STATEMENT OF DAMAGES**
14) **(CCP § 425.11)**
15 vs.)
16)
17 EXXON MOBIL; MOBIL SELF SERVE;))
and DOES 1 to 20, inclusive,) **IC Judge:** Eddie C. Sturgeon
18) **Dept:** E-14
19 Defendants.) **Phone Number:** (619) 441-4880
20) **Complaint Filed:** 10/31/07

21 Plaintiff NAVEADA COPELAND hereby responds to defendants'
22 Request For Statement Of Damages as follows:

23 **GENERAL OBJECTION**

24 Objection. The nature and extent, including prognosis for
25 plaintiff's injuries, are not yet known and not all medical bills have been
26 obtained. Accordingly, no medical expert has been retained to prepare
27 a life-care plan, as that would be premature. Similarly, neither a
28 vocational rehabilitation counselor, nor economist, has been retained to
determine plaintiff's diminution in earning capacity or anticipated future
loss of earnings.

For these reasons, no meaningful damage information is available and it is premature to expect that it would be. Without waiving said objections, plaintiff responds as follows:

1. Special damages:

- a. Past medical expenses: \$14,190.65
 - b. Future medical expenses: Unknown
 - c. Past lost earnings: Unknown
 - d. Future loss of earnings: Unknown

2. General damages (past and future pain, suffering and emotional distress) in the amount of \$500,000.00.

Dated: March 5, 2008

KERCKHOFF LAW, APC

By:

A. Jason Kerckhoff, Esq.
Attorneys for Plaintiff,
NAVEADA COPELAND

Copeland v. ExxonMobil Oil Corporation, et al.

SDSC Case No. ECU03815

PROOF OF SERVICE
(CCP §§ 1013(a) and 2015.5)

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS.

I, the undersigned, am employed in the County of San Diego, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 2533 South Coast Highway 101, Suite 250, Cardiff-By-The-Sea, CA 92007.

On March 5, 2008, I served the within document(s) entitled:

STATEMENT OF DAMAGES (CCP § 425.11)

on all interested parties in this action, whose names and addresses are listed on the attached service list, in the following manner:

- [X] **MAIL** - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Cardiff, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

[] **PERSONAL SERVICE** - Such envelope(s) were delivered by hand to the office(s) of the addressee(s).

[] **FACSIMILE** - Such document(s) were telefaxed to the office(s) of the addressee(s).

[X] **STATE** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 5, 2008 at Cardiff, California.

ALICE A. HILL, ACP

Copeland v. ExxonMobil Oil Corporation, et al.

SDSC Case No. ECU03815

1

2

3

SERVICE LIST

4 **Vickie E. Turner, Esq.**

5 **Sotera L. Anderson, Esq.**

6 Wilson, Petty, Kosmo & Turner, LLP

7 550 West C Street, Suite 1050

8 San Diego, CA 92101

9 (619) 236-9600

10 (619) 236-9669 **FAX**

11 **Attorney for Defendants,**
12 **EXXON MOBIL OIL CORP. &**
13 **MOBIL SELF SERVE**

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
STREET ADDRESS: 250 East Main Street
MAILING ADDRESS: 250 East Main Street
CITY AND ZIP CODE: El Cajon, CA 92020
BRANCH NAME: East County
TELEPHONE NUMBER: (619) 441-4880

RECEIVED

JAN 08 2008

EMRM HOUSTON

PLAINTIFF(S) / PETITIONER(S): Naveada Copeland

DEFENDANT(S) / RESPONDENT(S): Exxonmobil et.al.

COPELAND VS. EXXONMOBIL

CASE NUMBER:

37-2007-00062080-CU-PO-EC

Judge: Eddie C Sturgeon

Department: E-14

COMPLAINT/PETITION FILED: 10/31/2007

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ALIN INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**RECEIVED**

JAN 08 2008

EMRM HOUSTON

CASE NUMBER: 37-2007-00062090-CU-PO-EC

CASE TITLE: Copeland vs. Exxonmobil

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR - i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial.

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their disputes. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participate in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute - the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation, and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: \$150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is conducted, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under \$50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court

3) SETTLEMENT CONFERENCES: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference Judge.

4) OTHER VOLUNTARY ADR: Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 593-4530.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

RECEIVED

JAN 08 2008

EMRM HOUSTON

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO		FOR COURT USE ONLY
STREET ADDRESS: 250 East Main Street		<p style="text-align: center;">RECEIVED JAN 08 2008 EMRM HOUSTON</p>
MAILING ADDRESS: 250 East Main Street		
CITY, STATE & ZIP CODE: El Cajon, CA 92020-3941		
BRANCH NAME: East County		
PLAINTIFF(S): Nevada Copeland		
DEFENDANT(S): Exxonmobil et.al.		
SHORT TITLE: COPELAND VS. EXXONMOBIL		
STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)		CASE NUMBER: 37-2007-00062090-CU-PO-ECB

Judge: Eddie C Sturgeon

Department: E-14

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- Court-Referral Mediation Program
 Private Neutral Evaluation
 Private Mini-Trial
 Private Summary Jury Trial
 Private Settlement Conference with Private Neutral
 Other (specify): _____

- Court-Ordered Nonbinding Arbitration
 Court-Ordered Binding Arbitration (Stipulated)
 Private Reference to General Referee
 Private Reference to Judge
 Private Binding Arbitration

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate: (mediation & arbitration only) _____

Date: _____

Date: _____

Name of Plaintiff _____

Name of Defendant _____

Signature _____

Signature _____

Name of Plaintiff's Attorney _____

Name of Defendant's Attorney _____

Signature _____

Signature _____

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.13B5. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by named parties are dismissed.

IT IS SO ORDERED.

Dated: 10/31/2007

JUDGE OF THE SUPERIOR COURT

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA		COURT USE ONLY
TITLE OF CASE (ABBREVIATED) NAVEADA COPELAND V. EXXONMOBIL, ET AL		
ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS): VICKIE E. TURNER (106431) SOTERA L. ANDERSON (211025) WILSON PETTY KOSMO & TURNER LLP 550 West C Street, Suite 1050 San Diego, CA 92101		TELEPHONE NO.: Tel. (619) 236-9600 Fax: (619) 236-9669
ATTORNEYS FOR: Defendant EXXONMOBIL OIL CORPORATION	HEARING DATE - TIME	CASE NUMBER:

PROOF OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is Wilson Petty Kosmo & Turner LLP, 550 West C Street, Suite 1050, San Diego, CA 92101.

On March 27, 2008, I served the following documents:

1. NOTICE OF REMOVAL OF ACTION UNDER USC § 1441(A) (DIVERSITY);
2. NOTICE OF PARTIES WITH FINANCIAL INTEREST

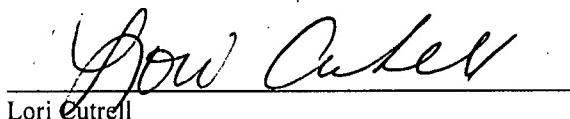
I served the documents on the person below, as follows:

A. Jason Kerckhoff, Esq.
Kerckhoff Law, APC
2533 S. Coast Highway 101, Ste. 250
Cardiff, CA 92007
(760) 635-7600
Fax: (760) 635-7602

Attorney for Plaintiff

- By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- By e-mail or electronic transmission.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on March 27, 2008, at San Diego, California.



Lori Cutrell

JS 44
(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

NAVEADA COPELAND

CIVIL COVER SHEET**DEFENDANTS**

EXXONMOBIL; MOBIL 21, DOES 1 TO 20, INCLUSIVE

CLERK US DISTRICT COURT
SAN DIEGO COUNTY OF CALIFORNIA(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

A. JASON KERCKHOFF (107513)
KERCKHOFF LAW, APC
2533 S. COAST HIGHWAY 101, STE. 250
CARDIFF, CA 92007
(760) 635-7600

'08 CV 0574 BEN NLS XNY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT XNY
(IN U.S. PLAINTIFF CASES ONLY) DEPUTY

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF	PT	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.) 28 USC § 1332 (Diversity) and 28 USC § 1441

(A), General Negligence and Premises Liability.

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 366 Personal Injury - Product Liability	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 810 Selective Service	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 875 Customer Challenge	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	12 USC 3410	
<input type="checkbox"/> 195 Contract Product Liability	<input checked="" type="checkbox"/> 380 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 891 Agricultural Acts	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	PROPERTY RIGHTS	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motion to Vacate Sentence	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	HABEAS CORPUS:	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 950 Constitutionality of State Statutes	
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 899 Other Statutory Actions	
		<input type="checkbox"/> 555 Prison Conditions		
			SOCIAL SECURITY	
			<input type="checkbox"/> 881 HIA (13958)	
			<input type="checkbox"/> 882 Black Lung (923)	
			<input type="checkbox"/> 883 DIWC/DIWV (405(g))	
			<input type="checkbox"/> 884 SSID Title XVI	
			<input type="checkbox"/> 885 RSI (405(g))	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS - Third Party	
			26 USC 7609	

VI. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- | | | | | | | |
|--|--|--|---|--|---|--|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removal from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|--|--|--|---|--|---|--|

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION DEMAND \$ UNDER F.R.C.P. 23CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO**VIII. RELATED CASE(S)** (See instructions:
IF ANY)

JUDGE _____

Docket Number _____

DATE

March 27, 2008

SIGNATURE OF ATTORNEY OF RECORD

WILSON PETTY KOSMO & TURNER LLP

VICKIE E. TURNER

SOTERA L. ANDERSON

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

149145 - SH
* * C O P Y * *
March 27, 2008
12:02:31

Civ Fil Non-Pris
Amount.: \$350.00 CK
Check#: BC10031

Total-> \$350.00

FROM: COPELAND V. EXXONMOBIL ET AL